

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Aaron J. Anderson
Rebecca S. Anderson
Debtor(s)

Bankruptcy Case No.: 18-21070-JAD
Issued Per Nov. 8, 2018 Proceeding
Chapter: 13
Docket No.: 48 – 20, 28
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated April 16, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,488 as of November 2018. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Lakeview Loan Servicing at Claim No. 5 .
- ☒ H. Additional Terms: The secured claims of Ally Bank at Claim No. 1 and The United Federal Credit Union at Claim No. 6 shall govern s to claim amount, to be paid at the modified plan terms.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: November 14, 2018

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Aaron J. Anderson
 Rebecca S. Anderson
 Debtors

Case No. 18-21070-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

Page 1 of 2
 Total Noticed: 47

Date Rcvd: Nov 14, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 16, 2018.

db/jdb
 14824982 +Aaron J. Anderson, Rebecca S. Anderson, 17 Trice Dr., Mount Pleasant, PA 15666-9048
 American Express National Bank, c/o Becket and Lee LLP, PO Box 3001,
 Malvern PA 19355-0701
 14795837 +Amex, Po Box 297871, Fort Lauderdale, FL 33329-7871
 14795838 +Best Egg/sst, 4315 Pickett Rd, Saint Joseph, MO 64503-1600
 14795841 +CBCS, P.O. Box 1838, Columbus, OH 43216-1838
 14831251 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 14795842 +Chase Card, P.O. Box 15298, Wilmington, DE 19850-5298
 14892560 ECMC, PO Box 16408, St. Paul, MN 55116-0408
 14795845 +Edfinancial Services L, 120 N Seven Oaks Dr, Knoxville, TN 37922-2359
 14825003 +Edfinancial on behalf of US Dept. of Education, 120 N. Seven Oaks Dr.,
 Knoxville, TN 37922-2359
 14815137 +Granite State Management & Resources, on behalf of NHHEAF, c/o NHHEAF, 4 Barrell Court,
 Concord, NH 03301-8543
 14795846 +Granite State Mgmt Res, 4 Barrell Ct, Concord, NH 03301-8543
 14812725 +Leonard Anderson, 931 W. Washington St., Mount Pleasant, PA 15666-1741
 14831924 +Navient Solutions, LLC. on behalf of, Massachusetts Higher Education Assistanc,
 d/b/a American Student Assistance, PO BOX 16129, St. Paul, MN 55116-0129
 14795850 #Paypal Credit, P.O. Box 105658, Atlanta, GA 30348-5658
 14833474 +SST as servicing agent for BEST EGG, 4315 Pickett Road, Bankruptcy Department,
 St. Joseph, Missouri 64503-1600
 14795851 +Sears/cbna, Po Box 6283, Sioux Falls, SD 57117-6283
 14795853 +The United Federal Cr, 3 Sunset Beach Rd, Morgantown, WV 26508-4431
 14816338 +The United Federal Credit Union, 3 Sunset Beach Rd., Morgantown, WV 26508-4431
 14824264 UNITED STATES DEPARTMENT OF EDUCATION, CLAIMS FILING UNIT, PO BOX 8973,
 MADISON WI 53708-8973
 14830228 UPMC Health Services, PO Box 1123, Minneapolis, MN 55440-1123
 14830399 UPMC Physician Services, PO Box 1123, Minneapolis, MN 55440-1123
 14795855 +Us Dept Of Ed/glelsi, Po Box 7860, Madison, WI 53707-7860
 14805570 Wells Fargo Bank, N.A., Wells Fargo Education Financial Services,
 PO Box 10438, MAC F8235-02F, Des Moines, IA 50306-0438
 14795857 +Wf Efs, Po Box 5185, Sioux Falls, SD 57117-5185

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14796822 E-mail/Text: ally@ebn.phinsolutions.com Nov 15 2018 03:56:39 Ally Bank, PO Box 130424,
 Roseville MN 55113-0004
 14795836 +E-mail/Text: ally@ebn.phinsolutions.com Nov 15 2018 03:56:39 Ally Financial,
 200 Renaissance Ctr, Detroit, MI 48243-1300
 14795839 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Nov 15 2018 03:59:49 Capital One,
 15000 Capital One Dr, Richmond, VA 23238
 14795840 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Nov 15 2018 03:59:49 Capital One,
 Po Box 30253, Salt Lake City, UT 84130-0253
 14795843 +E-mail/PDF: creditonebknotifications@resurgent.com Nov 15 2018 03:59:22 Credit One Bank Na,
 Po Box 98875, Las Vegas, NV 89193-8875
 14799328 E-mail/Text: mrdisce@discover.com Nov 15 2018 03:56:40 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 14795844 +E-mail/Text: mrdisce@discover.com Nov 15 2018 03:56:40 Discover Fin Svcs Llc,
 Po Box 15316, Wilmington, DE 19850-5316
 14795847 +E-mail/Text: bnckohlsnotices@becket-lee.com Nov 15 2018 03:56:44 Kohls/capone,
 N56 W 17000 Ridgewood Dr, Menomonee Falls, WI 53051-7096
 14878060 E-mail/PDF: resurgentbknotifications@resurgent.com Nov 15 2018 03:59:56 LVNV Funding LLC,
 c/o Resurgent Capital Services, PO Box 10587, GREENVILLE, SC 29603-0587
 14855272 E-mail/PDF: resurgentbknotifications@resurgent.com Nov 15 2018 03:59:26
 LVNV Funding, LLC its successors and assigns as, assignee of MHC Receivables, LLC and,
 FNBM, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14816138 E-mail/Text: camanagement@mtb.com Nov 15 2018 03:56:52 Lakeview Loan Servicing, LLC,
 c/o M&T Bank, P.O. Box 1288, Buffalo, NY 14240-1288
 14795848 E-mail/Text: camanagement@mtb.com Nov 15 2018 03:56:52 M & T Bank, 1 Fountain Plz,
 Buffalo, NY 14203
 14829122 +E-mail/Text: bankruptcydpt@mcmcg.com Nov 15 2018 03:57:42 MIDLAND FUNDING LLC,
 PO Box 2011, Warren, MI 48090-2011
 14795849 +E-mail/PDF: pa_dc_claims@navient.com Nov 15 2018 04:00:29 Navient, Po Box 9500,
 Wilkes Barre, PA 18773-9500
 14849409 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Nov 15 2018 03:59:52
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 14796625 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Nov 15 2018 03:59:52
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14834502 E-mail/Text: bnc-quantum@quantum3group.com Nov 15 2018 03:57:03
 Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788
 14936012 +E-mail/Text: hpasipanki@setonhill.edu Nov 15 2018 03:58:47 Seton Hill University,
 Student Accounts, 1 Seton Hill Drive, Greensburg, PA 15601-1548
 14795852 +E-mail/PDF: gecsed@recoverycorp.com Nov 15 2018 03:59:16 Synch/lowes, Po Box 956005,
 Orlando, FL 32896-0001

District/off: 0315-2

User: jhel
Form ID: 149

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Total Noticed: 47

Date Rcvd: Nov 14, 2018

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

14795854 +E-mail/Text: BankruptcyNotice@upmc.edu Nov 15 2018 03:58:24 UPMC,
Quantum I Building Third Floor, Distribution Room #386, 2 Hot Metal Street,
Pittsburgh, PA 15203-2348
14849602 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Nov 15 2018 03:59:58 Verizon,
by American InfoSource LP as agent, PO Box 248838, Oklahoma City, OK 73124-8838
14795856 +E-mail/Text: wfmelectronicbankruptcynotifications@verizonwireless.com Nov 15 2018 03:56:35
Verizon Wireless, Po Box 650051, Dallas, TX 75265-0051

TOTAL: 22

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr LakeView Loan Servicing, LLC
cr* ECMC, P.O. Box 16408, St. Paul, MN 55116-0408
cr* LVNV Funding LLC, c/o Resurgent Capital Services, P.O. Box 10587,
Greenville, SC 29603-0587
cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021

TOTALS: 1, * 3, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 16, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 14, 2018 at the address(es) listed below:

Glenn R. Bartifay on behalf of Joint Debtor Rebecca S. Anderson gbartifay@bartifaylaw.com,
sfallat@bartifaylaw.com;nalejandro@bartifaylaw.com;gbartifay@yahoo.com;jmartin@bartifaylaw.com
Glenn R. Bartifay on behalf of Debtor Aaron J. Anderson gbartifay@bartifaylaw.com,
sfallat@bartifaylaw.com;nalejandro@bartifaylaw.com;gbartifay@yahoo.com;jmartin@bartifaylaw.com
James Warmbrodt on behalf of Creditor LakeView Loan Servicing, LLC bkgroup@kmlawgroup.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteewdpa.com

TOTAL: 5